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4 **UNITED STATES DISTRICT COURT**

5 **DISTRICT OF NEVADA**

6 STEVEN KERN,

7 Plaintiff,

8 vs.

9 PRUDENTIAL INSURANCE CO. OF  
10 AMERICA et al.,

11 Defendants.  
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) 3:13-cv-00037-RCJ-VPC  
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**ORDER**

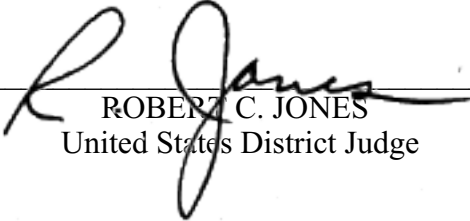
13 This is an insurance dispute removed from state court. Defendants have moved to  
14 dismiss all claims except the fifth as preempted by ERISA. Plaintiff has filed a motion  
15 indicating his non-opposition, except as to Defendants' request for the Court to strike paragraph  
16 14 of the Complaint, allegations within which relate to the fifth claim under ERISA. With that  
17 exception, the Court grants the motion.

18 **CONCLUSION**

19 IT IS HEREBY ORDERED that the Motion to Dismiss (ECF No. 10) is GRANTED.

20 IT IS SO ORDERED.

21 Dated this 26th day of April, 2013.

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ROBERT C. JONES  
United States District Judge